

December 19, 2001



Magalie Roman Salas  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Ex parte* presentation in: CS Docket No. 01-7

Dear Ms. Salas:

On December 18, 2001, on behalf of Media Access Project's clients Consumers Union, Consumer Federation of America, and the Center for Digital Democracy, I met with Sam Feder, Interim Senior Legal Advisor to Commissioner Martin, and Catherine Bohigan, Commissioner Martin's Advisor on Cable and Mass Media. In regard to the above captioned matter, I reiterated the position in our comments that a prophylactic, non-intrusive non-discrimination requirement would best serve the public, programmers, and the industry as a whole.

I also stressed the need to apply existing law, notably the protections of the Children's Television Act and implementing regulations, *see* 47 USC §303a; 47 CFR §§73.670, 76.225, and the cable privacy provisions, *see* 47 USC §§222, 551; 47 CFR §§64.1601, *et seq.*, to ITV. In this regard, I observed that the reasoning of *Gemstar* – which tied VBI information to its relation to the video content in the context of must-carry – should apply here. If an interactive feature is clearly associated with the video content, it should be subject to the same rules as the video content. Thus, interactive links during children's shows should not be allowed to offer products relating to the television show in violation of the Children's Television Act rules on a theory that interactive features are somehow separate from the video component.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Harold Feld  
Associate Director

cc: Sam Feder  
Catherine Bohigan